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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,210	04/20/2004	Benoit Cote		2912

7590 12/19/2006  
INVENTARIUM  
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CANADA

EXAMINER

MORAN, KATHERINE M

ART UNIT	PAPER NUMBER
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3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/827,210	<b>Applicant(s)</b> COTE, BENOIT	
	<b>Examiner</b> Katherine Moran	<b>Art Unit</b> 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/6/06, 9/20/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-4 and 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/20/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/20/06 has been entered. Applicant's amendment of 11/6/06 has been received and entered. It is noted that Applicant's response included claims 6-8 which were previously cancelled in Applicant's response of 3/28/06 and constitutes a non-compliant amendment. However, in the interest of expedited prosecution, the response will be examined. Applicant's next response should reflect the proper claim listing.

### ***Claim Objections***

2. Claims 1, 2, 9 and 11 are objected to because of the following informalities:  
claim 1: the claim recites that each of the modules is comprised of a hook and pile strip. However, the specification and drawings define that each module is comprised of a hook strip (16) and the pile strip (14) is provided on the headband. Claim 1 should be amended to reflect the proper structure. Further, claim 1 appears to recite the combination of the modules and the headband. Lines 7-10 recite the position of the longitudinal side of the module in relation to the headband. However, the language of claim 1 does not clearly recite this combination. Suggested claim language for claim 1

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is as follows: A forehead clearing apparatus comprising: a pair of wedge shaped modules wherein each of said pair having a length and being further comprised of a hook strip having a length; a headband comprising a pair of loop strips having a length; said hook strip being permanently bonded to each said module; said pile strips being substantially longer than said hook strips such that said wedge shaped modules are positioned with their lengths extending parallel to the headband and the hook and loop strips are interlocked; said pair of modules having a thick end and a thin end; said wedge shaped modules follow the contours of a user's head from a back where the thin module ends are oppositely positioned, and are gradually distanced from the head as the modules extend along the head on opposite sides, towards a front forehead side.

Claim 2 recites "can be". This is improper claim form. The claim should be amended to recite "...having a soft corner selected from a bevel or rounded corner....". Claim 9 recites "adkacent" and should be corrected to "adjacent". Claim 10 recites in part "said hook strip being permanently bonded to said wedge shaped module; said pile strips being substantially longer than said hook strips so that said wedge shaped modules..."

This recitation is previously recited in claim 1. Appropriate correction is required.

### ***Specification***

3. The disclosure is objected to because of the following informalities: pg. 6, line 10: delete "simply" and insert --simply--. Please note that it is not necessary to submit a substitute specification or marked up copy unless the specification is being substantially revised.

Appropriate correction is required.

### ***Response to Arguments***

4. Applicant's arguments filed 9/20/06 and 11/6/06 have been fully considered as outlined above.

### ***Allowable Subject Matter***

5. Claim 1 is allowable pending receipt of the amended claim as suggested above, with claims 2-4 and 9-11 objected to due to their dependency from claim 1.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (571) 272-4990. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (571) 272-4983. The official and after final fax number for the organization where this application is assigned is (571) 273-8300. General information regarding this application may be obtained by contacting the Group Receptionist at (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

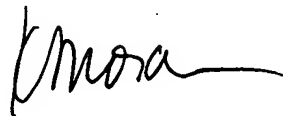
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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kmm

December 11, 2006

A handwritten signature in black ink, appearing to read 'K Moran', with a long horizontal flourish extending to the right.

Katherine Moran

Primary Examiner, AU 3765